

The following is an Adobe Acrobat reproduction of the official

Notice of Intent to Propose

Lyon Property

for listing on the

Texas Superfund Registry

as published in the

Texas Register

(27 TexReg 6126-6127)

on

July 5, 2002

A portion of the records for this site, including documents
pertinent to the TNRCC determination of eligibility, is
available for viewing with the site repository records

at

Kimble County Library

208 North 10th Street

Junction, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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otherwise specify, you will be included only on the mailing list for this specific application.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TNRCC can be found at our web site at www.tnrcc.state.tx.us.

Further information may also be obtained from SET Environmental, Inc., at the address stated above or by calling Mr. Daniel A. Didier at (713) 645-8710.

TRD-200203991

LaDonna Castañuela

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: June 25, 2002



Notice of Deletion of Gulf Metals Industries Site from the State Superfund Registry

The executive director of the Texas Natural Resource Conservation Commission (commission) is issuing this notice of deletion of the Gulf Metals Industries site from the state registry, the list of state Superfund sites. The state registry lists the contaminated sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The site was originally proposed for listing on the state registry on October 16, 1987 (12 TexReg 3858). The site, including all land, structures, and other improvements, is approximately 16 acres located on Telean Street, northeast of the intersection of Mykawa Road and Almeda-Genoa Road in Houston, Harris County, Texas. In addition, the site included any areas where hazardous substances came to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

The site is a former sand and gravel pit that was used for disposal of hazardous materials, including oily sludges, from the 1950s - 1967. From 1965 - 1967, the site was operated as a commercial landfill for the disposal of metal slag and other foundry debris, including furnace sand and refractory brick. Use of the site as a disposal facility stopped in 1981.

The site respondents have satisfied the requirements of the administrative order for the remedial investigation/feasibility study. The site has been accepted into the commission's Voluntary Cleanup Program and is therefore eligible for deletion from the state registry as provided by 30 TAC §335.344(c)(5).

In accordance with §335.344(b), the commission held a public meeting to receive comments on the intended deletion of the site on June 4, 2002, at the Knights of Columbus Hall, 6320 Madden Lane, Houston, Texas. The complete public file, including a transcript of the public meeting, may be viewed during regular business hours at the commission's Records Management Center, Building E, First Floor, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Fees are charged for photocopying file information.

In accordance with Texas Health and Safety Code, §361.188(d), a notice will be filed in the real property records of Harris County, Texas stating that the site has been deleted from the state registry.

All inquiries regarding the deletion of the site should be directed to Mr. Joe Shields, Community Relations, Texas Natural Resource Conservation Commission, telephone numbers (800) 633-9363 or (512) 239-0666.

TRD-200203982

Paul Sarahan

Director, Litigation Division

Texas Natural Resource Conservation Commission

Filed: June 25, 2002



Notice of Intent to Propose Lyon Property for Listing on the Texas Superfund Registry

The Texas Natural Resource Conservation Commission (TNRCC or commission) is required under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361, as amended (the Act), to annually publish a state registry that identifies facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The most recent registry listing of these facilities was published in the May 24, 2002 issue of the *Texas Register* (27 TexReg 4633-34).

In accordance with §361.184 (a), the commission must publish in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located, a notice of intent to list a facility on the state registry of state Superfund sites. With this publication, the TNRCC hereby gives notice of a facility or area that the executive director (ED) determined eligible for listing and which the ED proposes to list on the state registry. This publication also specifies the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the ED. This notice of intent to list this facility was also published on July 3, 2002, in the *Junction Eagle*.

The facility proposed for listing is the Lyon Property site, located on U.S. 385, approximately 1 mile north of the intersection of Farm Road 1871 and U.S. 385, London, Kimble County, Texas. The geographic coordinates of the site are Latitude: 30° 34 minutes, 51 seconds North; Longitude: 99° 35 minutes, 29 seconds West. The description of the site is based on information available at the time the site was evaluated with the Hazard Ranking System (HRS). The HRS is the principal screening guide used by the TNRCC to evaluate potential relative risk to public health and the environment from releases or threatened releases of hazardous substances. The description may change as additional information is gathered on the sources and extent of contamination.

The Lyon property covers six acres in an area adjacent to the Llano River. A small wire burning operation was conducted at the site for metal recovery. The burn site encompassed an area of 75 by 60 feet. The natural grade of the property slopes from the burn site down to the Llano River.

Sampling of soils at the burn site indicated elevated concentrations of cadmium, lead, and total petroleum hydrocarbons. The primary pathway of concern for potential human health and the environmental impacts is the surface water pathway. The site is located on topography that slopes toward the Llano River, a known fishery. The overland flow component begins at the contaminated soil and extends to the Llano River.

A public meeting may be requested regarding the proposed listing of the Lyon Property site on the state Superfund registry. The public meeting must be requested by submitting a written request by 5:00 p.m.,

August 6, 2002. Interested parties may submit a written request for a public meeting or may submit written comments to the commission relative to the proposed listing of the Lyon Property site to the attention of Ms. Carol Dye, Remediation Division, Texas Natural Resource Conservation Commission, MC 143, P.O. Box 13087, Austin, Texas 78711-3087; or by facsimile at (512) 239-2450.

If a public meeting is requested regarding the proposed listing of this facility on the state Superfund registry, the commission shall publish general notice of the date, time, and location of the public meeting in the *Texas Register* and in the *Junction Eagle*. The public meeting notice shall be provided no later than the 31st day before the date of the meeting. If a public meeting is requested, it will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Texas Government Code, Chapter 2001).

A portion of the record for this site, including documents pertinent to the ED's determination of eligibility is available for review at the Kimble County Library, 208 North 10th Street, Junction, Texas 76849, during regular business hours. Copies of the complete public record file may be obtained during regular business hours at the commission's Records Management Center, Building E, First Floor, 12100 Park 35 Circle, Austin, Texas 78753; telephone numbers (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Handicapped parking is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

TRD-200203984

Paul C. Sarahan

Director, Litigation Division

Texas Natural Resource Conservation Commission

Filed: June 25, 2002



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The TNRCC staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of TNRCC pursuant to Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 5, 2002**. The TNRCC will consider any written comments received and TNRCC may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate a proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within TNRCC's jurisdiction, or TNRCC's orders and permits issued pursuant to TNRCC's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both TNRCC's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Comments about the DO should

be sent to the attorney designated for the DO at TNRCC's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 5, 2002**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The TNRCC attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, comments on the DOs should be submitted to the TNRCC in **writing**.

(1) COMPANY: Arsalita Investment, Inc., dba San Pedro Grocery; DOCKET NUMBER: 2001-0131-PST-E; TNRCC ID NUMBER: 10032; LOCATION: 2200 San Pedro Avenue, San Antonio, Bexar County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.48(c) and §334.10(b)(1)(B), by failing to maintain accurate inventory records demonstrating that effective manual or automatic inventory control was being conducted; 30 TAC §334.10(b)(1)(A), §334.49(e)(2)(B)(ii), and TWC, §26.3475, by failing to maintain corrosion protection records demonstrating that all tests and inspections required for the cathodic protection system have been performed; 30 TAC §334.72 and §334.74, by failing to report a suspected release to the Commission within 24 hours of its discovery and failing to investigate and confirm a suspected release within 30 days of its discovery; 30 TAC §334.21, by failing to pay underground storage tank (UST) fees; PENALTY: \$9,375; STAFF ATTORNEY: James Biggins, Litigation Division, MC R-13, (210) 403-4017; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Bennard Rowland dba Rowland Dusters; DOCKET NUMBER: 2000-0834-PST-E; TNRCC ID NUMBER: 15260; LOCATION: 13 miles west of U.S. Highway 77 on State Highway 186, Lasara, Willacy County, Texas; TYPE OF FACILITY: crop dusting with private refueling of gasoline; RULES VIOLATED: 30 TAC §334.6 and §334.55(a), by failing to notify the executive director of construction activities prior to initiating the permanent abandonment of USTs in place and having qualified personnel conduct the construction activities, and empty the USTs of residue or residual vapors prior to permanent removal from service; 30 TAC §334.55(e), by failing to conduct a site assessment to determine whether or not any prior releases of the stored regulated product had occurred; 30 TAC §334.10(b)(1)(A), by failing to develop and maintain all records required; 30 TAC §334.49(a) and TWC, §26.3475, by failing to equip the UST system with corrosion protection; 30 TAC §334.50(a)(1)(A) and TWC, §26.3475, by failing to provide a release detection method capable of detecting a release from any portion of the UST system; 30 TAC §334.51(b)(2) and TWC, §26.3475, by failing to equip the UST system with tight-fill fitting, spill containment, and overfill protection equipment; 30 TAC §334.93(a)(2) and §334.93(b)(1), by failing to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases and compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation; PENALTY: \$12,000; STAFF ATTORNEY: Troy Nelson, Litigation Division, MC R-5, (903) 525-0380; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(3) COMPANY: Chad Houck dba Rafter H Cattle Company; DOCKET NUMBER: 2001-0454-MWD-E; TNRCC ID NUMBER: none; LOCATION: at the intersection of U.S. Highway 287 and Spur 510, Henrietta, Clay County, Texas; TYPE OF FACILITY: livestock trailer cleaning facility; RULES VIOLATED: 30 TAC §321.254, by failing to obtain authorization to remove, contain, treat, and dispose of waste from commercial livestock trailers; TWC, §26.121, by allowing the discharge of waste and wastewater onto the ground in an impoundment without authorization; PENALTY: \$7,000; STAFF